IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5181 OF 2004

Chandrasen Tulsi Yadav ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.R.D.Suryawanshi for Applicant.

Mr.D.R.More, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 29, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. I see no reason to depart from the conclusion reached by the Court below in rejecting the Bail Application preferred by the present Applicant. There is direct evidence implicating the present Applicant with the commission of the crime. To get over this position, learned Counsel

invited my attention to the dying declaration which makes no reference to the involvement of the Applicant. In fact, the deceased went on to observe as per the said dying declaration that unidentified person assaulted him. At this stage, suffice it to observe that since there is direct evidence of at least two eye-witnesses and there is further evidence corroborating the involvement of the Applicant, not a case for bail. In the circumstances, this Application is rejected.

3. The District Court at Thane is directed to assign the case to Fast Track Court to ensure early disposal of the trial. Ordered accordingly.

A.M.KHANWILKAR, J.